



Legislation Details (With Text)

File #:	14-0546	Version:	2	Name:	CA - Controlled Substances Sales
Type:	Ordinance	Status:		Status:	Adopted
File created:	7/14/2014	In control:		In control:	City Council
On agenda:	8/5/2014	Final action:		Final action:	8/5/2014
Title:	Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Chapter 9.16 in its entirety, relating to abatement of public nuisances caused by illegal conduct involving sale or manufacturing of controlled substances, read and adopted as read. (Citywide)				
Sponsors:	City Attorney				
Indexes:					
Code sections:	9.16.010 - Nuisance defined., 9.16.020 - Hearing-When authorized., 9.16.030 - Hearing-Procedure., 9.16.040 - Violation-Authority to commence legal action.				
Attachments:	1. 072214-ORD-27sr&att.pdf, 2. 080514-ORD-19att.pdf, 3. ORD-14-0009.pdf				

Date	Ver.	Action By	Action	Result
8/5/2014	2	City Council	approve recommendation and adopt	Pass
7/22/2014	1	City Council	declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading	Pass

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Chapter 9.16 in its entirety, relating to abatement of public nuisances caused by illegal conduct involving sale or manufacturing of controlled substances, read and adopted as read. (Citywide)

The Office of the Long Beach City Attorney has for the past decade, participated in a statewide pilot program enacted as Civil Code section 3486, allowing the Office to file unlawful detainer actions due to narcotics-related nuisance activity occurring at rental properties within the City of Long Beach. These unlawful detainer actions are aimed at evicting tenants who sell or manufacture narcotics from a rental unit. The eviction of a nuisance tenant from a particular rental unit has proven an effective tool to make neighborhoods safer, while at the same time, reducing the need for police services and their associated costs.

In accordance with the Civil Code requirements, the California Research Bureau conducted a study of the California cities participating in the drug eviction program. In 2013, the Long Beach City Attorney's Office reviewed 2,899 reports and caused 282 tenant relocations or evictions. The study concluded that Long Beach made the most efficient and intensive use of the pilot program.

The State's pilot program has sunset. However, the Legislature amended Civil Code section 3486 to allow cities throughout California to adopt similar versions of the pilot program as it pertains to narcotics. Legislation is currently pending to allow cities to adopt similar

provisions related to the unlawful possession of weapons and/or ammunition. If and when such legislation passes, City Attorney's Office will provide an ordinance to include this category of nuisance.

In order to continue to keep Long Beach neighborhoods safe, the City Attorney's Office recommends the City Council adopt the proposed ordinance authorizing the City Attorney's Office to cause the eviction of tenants utilizing rental units to illegally sell or manufacture narcotics within the City of Long Beach. The ordinance will require rental property owners to either bring unlawful detainer actions to evict tenant creating such nuisances or, in the alternative, to assign their rights to bring such court actions to the Office of the Long Beach City Attorney. The proposed ordinance is consistent with the City's practices under the pilot program that has been used for many years and is also consistent with the provisions of the new State regulations in this area.

Approve recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING CHAPTER 9.16 IN ITS ENTIRETY, RELATING TO ABATEMENT OF PUBLIC NUISANCES CAUSED BY ILLEGAL CONDUCT INVOLVING SALE OR MANUFACTURING OF CONTROLLED SUBSTANCES

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